

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Engineering & Construction Management**

AGENDA DATE: **February 22, 2011**

CONTACT PERSON/PHONE: **R. Alan Shubert, City Engineer**

DISTRICT AFFECTED: **8**

SUBJECT:

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, an electrical easement to El Paso Electric Company to be used as part of the electrical power distribution system for the new *Stanton Pedestrian Toll Plaza* at the Stanton Bridge.

BACKGROUND / DISCUSSION:

This agreement, which consists of a 5 ft. overhang easement, a 10 ft. underground easement, and a 12 ft. X 18 ft. transformer easement, would allow the grantee (EPE) to provide service for electrical power at the proposed toll plaza site currently under construction.

PRIOR COUNCIL ACTION:

Council approved a previous version of this easement on November 9, 2010. A revised agreement is being submitted for consideration which includes the addition of a 10 ft. underground portion for electrical cabling.

AMOUNT AND SOURCE OF FUNDING:

There are no costs associated with this action.

<u>Project</u>	<u>Fund</u>	<u>Department</u>	<u>Account</u>
~	~	~	~

BOARD / COMMISSION ACTION:

(N/A)

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: _____



Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an overhead and underground electrical easement and transformer pad easement to the El Paso Electric Company for the purpose of relocating electrical service for city facilities (Stanton Toll Building) at Mesa and Eighth Streets, El Paso, Texas. Said property being more particularly described as a portion of lots 11 through 18, block 47, Campbell's Addition to the City of El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2011.


THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

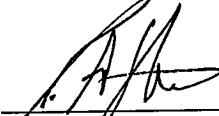
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.,
City Engineer

THE STATE OF TEXAS §

§

**OVERHEAD, UNDERGROUND AND
TRANSFORMER PAD EASEMENT**

COUNTY OF EL PASO §

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, relocate, construct, operate, remove, inspect, access, and maintain an **underground electric system** consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and underground crossings with all necessary cables, lines, conduit, wires pertaining thereto, and an **overhead electric system** consisting of any and all necessary poles, cables, lines, wires, crossarms, guys and anchors for an above ground electric distribution and/or transmission system, together with the overhang of service wires, with the right of access, ingress, and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over or under, upon, and along the areas identified in Exhibit "A", attached hereto and incorporated herein for all purposes, said areas being in the following described premises in El Paso, El Paso County, Texas, to wit:

A portion of Lots 11 through 18, Block 47, Campbell's Addition to the City of El Paso, El Paso County, Texas, and more particularly shown on Exhibit "A"

The easement consists of (1) an overhead easement 208.62 feet long and 5 feet wide, along the west property lines of Lots 11 through 18; (2) 3 foot by 10 foot underground easement in a direct line from the overhead easement to the transformer pad easement and (3) a 12 foot by 18 foot transformer pad easement all as described in Exhibit "A".

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, the Grantee agrees that upon written and reasonable request it will relocate any of its facilities located within the easement at no cost to the Grantor.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or tangible personal property of

Grantor within the easement. Grantor agrees not to erect permanent structures or obstruct access in, over, or under Grantee's facilities.

Grantor will not be held responsible for any damage to Grantee's underground facilities from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with applicable City Code provisions.


WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

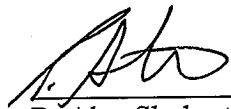
GRANTOR:
THE CITY OF EL PASO

Joyce A. Wilson, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Mark Shoesmith
Assistant City Attorney


R. Alan Shubert, P.E.
City Engineer

ACKNOWLEDGMENT

THE STATE OF TEXAS)
) s.s.
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2011
by Joyce A. Wilson as City Manager of the City of El Paso.

Notary Public, State of Texas

The above instrument, together with all conditions thereto is hereby accepted this ____ day of ____ 2011.

Reviewed and Approved.
Legal Department

CH
2/7/11

GRANTEE:
EL PASO ELECTRIC COMPANY

By: _____

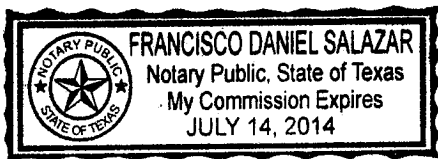
Printed Name: Steven Bussier

Title: Vice President, Treasurer

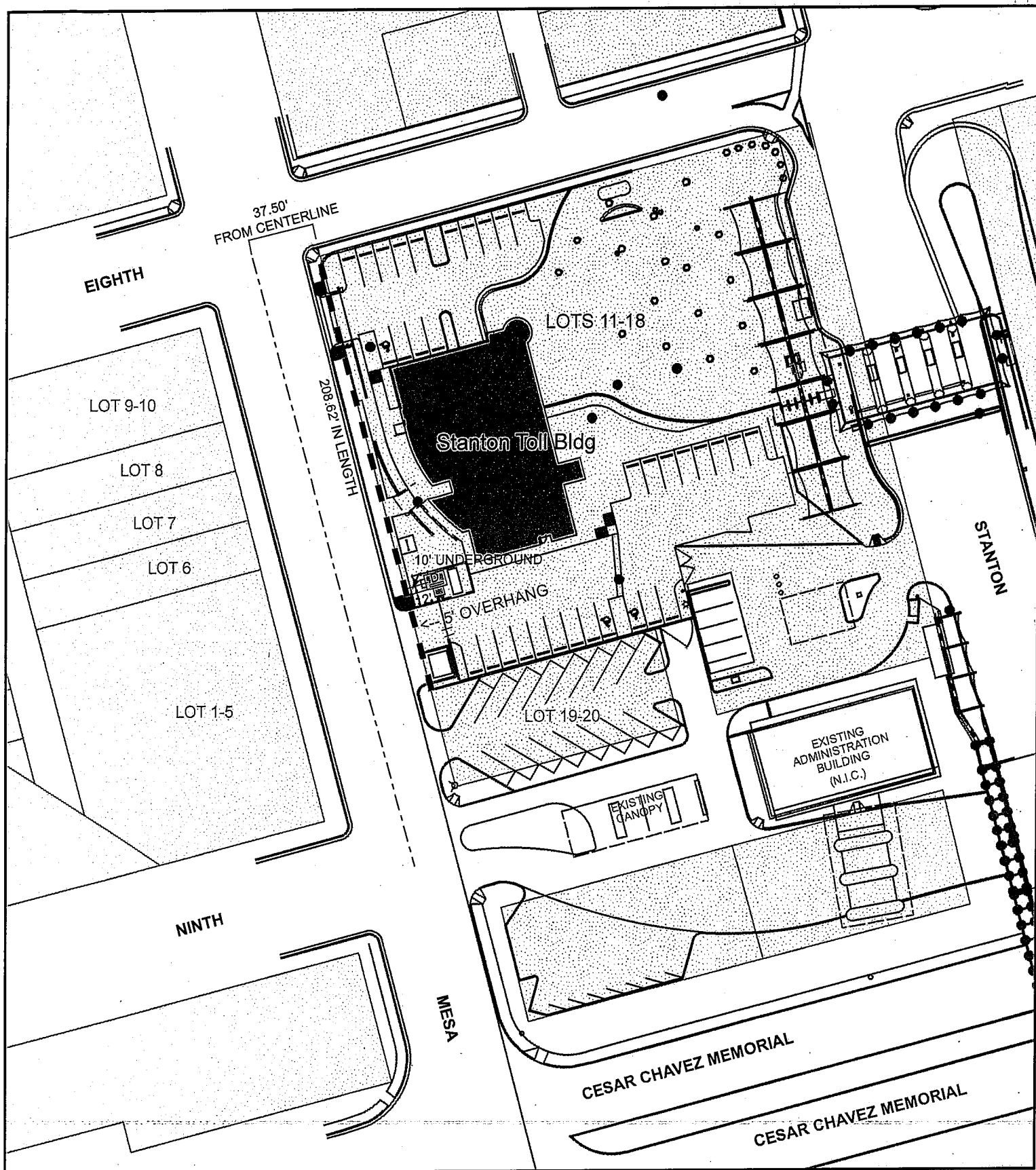
ACKNOWLEDGMENT

STATE OF TEXAS)
) s.s
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 8th day of FEBRUARY, 2011 by STEVEN BUSSIER as VP/TREASURER of El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.




Notary Public, State of Texas



SCALE: NONE
DATE: 1/31/2011
W.O. # DT012971

LEGEND

- PROPOSED EPE CO. (OH) 5 FT. UTIL. ESMNT.
- == PROPOSED EPE CO. (UG) 10 FT. UTIL. ESMNT.
-  PROPOSED 12' X 18' TRANSFORMER ESMNT.

Return to:
El Paso Electric Co.

Exhibit "A"



EL PASO ELECTRIC CO. R.O.W.
A PORTION OF:
LOTS 11 THRU 18,
BLOCK 47,
CAMPBELL'S ADDITION,
EL PASO COUNTY, TEXAS